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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,617	10/30/2003	James A. Kahkoska	F-328	9962
802	7590	05/27/2005	EXAMINER	
DELLETT AND WALTERS P. O. BOX 2786 PORTLAND, OR 97208-2786			NGUYEN, JIMMY	
			ART UNIT	PAPER NUMBER
			2829	

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/699,617

Applicant(s)

KAHKOSKA ET AL.

Examiner

Jimmy Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10, 13 - 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 13-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

**Response to Argument**

The applicant's argument has been considered with the following effect;  
The applicant fails to response to the abstract as indicated in the previous office action.  
Further, upon further search the applicant provides new ground of rejection.

**Abstract**

1. The abstract of the disclosure is objected to because the abstract is less than 50 words. Correction is required. See MPEP § 608.01(b).

***Drawings***

The drawing filed 3/15/05 has been approved.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 10, 13 – 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Bohley et al (US 6,798,183).

**As to claim 1**, Bohley et al disclose a toner/probe system, comprising:

a toner adapted (ENABLE TONE, fig 3) to generate and supply a tone packet to a cable under test (claim 1); and

a probe ( a detector, column 1 line 18 –20) ) adapted to detect said tone packet as propagated via the cable under test .

**As to claims 2, 14,** Bohley et al disclose (fig 1) a toner/probe system according to claim 1, wherein said tone packet comprises:

a synchronization portion (26); and  
a data portion (12).

**As to claims 3, 15,** Bohley et al disclose a toner/probe system according to claim 2, wherein said data portion (12) comprises plural portions providing different testing modes.

**As to claims 4, 16,** Bolhley et al disclose (fig 1) a toner/probe system according to claim 3, wherein testing modes are selected from the group consisting of:

A cable isolate mode and a cable locate mode.

**As to claims 5, 17,** Bolhley et al disclose (fig 1) a toner/probe system according to claim 3, wherein said testing mode comprises a wire continuity test mode for location one or more wires separately from other wires. (column 3 lines 30 – 56)

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**As to claims 6, 18,** Bolhley et al disclose (fig 1) a toner/probe system according to claim 3, wherein testing mode comprises a wire map mode.

**As to claims 7, 19,** Bolhley et al disclose (fig 1) a system according to claim 1, wherein toner supplies a 455Khz (vary different frequency) carrier signal as at least part of tone packet.

**As to claims 8, 9,** Bolhley et al disclose (fig 1) a system according to claim 1, wherein toner (ENABLE TONE, fig 3) comprises a selector for selecting an operation mode (the oscillator must has the selector to select different frequency)

**As to claim 10,** Bolhley et al disclose (fig 1) a system according to claim 1, wherein said probe comprises a detector (column 1 lines 18 - 20) for detecting said tone packet and operatively responding to portions thereof.

**As to claim 13,** Bolhley et al disclose (fig 1) a method for locating a cable, comprising the steps of

applying a tone packet (ENABLE TONE, fig 3) to a cable (cable under test) at one position thereof; and

employing a sensor (28, 22) responsive to said tone packet to locate said cable (cable under test) at another position thereof.

**As to claims 20, 21,** Bolhley et al disclose (fig 1) the tone packet employs a carrier signal as at least part of said tone packet.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy Nguyen whose telephone number is 571-272-1965. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ramtiaz Nestor, can be reached on 571-272-2034. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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JN.

5/ 18/2005

  
**VINH NGUYEN**  
**PRIMARY EXAMINER**  
A-4-2829  
05/26/05